

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
WINSTON-SALEM DIVISION**

In Re:

CARRICK, RALPH EARL

253 W. 6TH STREET
LEXINGTON, NC 27292

Debtor(s).

Case No. B-10-51654 C-7W

**ORDER CONFIRMING PRIVATE SALE OF ESTATE'S INTEREST
IN 100 FOWLER AVENUE TO LEXINGTON HOUSING AUTHORITY
AND/OR THEIR DESIGNATED ASSIGNEE(S)**

THIS MATTER coming on for consideration before the Honorable Thomas W. Waldrep, Jr., United States Bankruptcy Judge for the Middle District of North Carolina, upon Motion by the Trustee. The Court, after considering the official record in this case and the Trustee's Motion, finds and concludes that:

1. The Trustee filed his Motion to Confirm Private Sale on March 21, 2011.
2. Proper notice was given of the Motion. No written objections were filed to the relief requested by the Trustee on or before the bar date of April 7, 2011.
3. Among the assets of the estate is a one-half interest in 100 Fowler Avenue, Lexington, Davidson County, North Carolina. The other one-half interest belongs to Bernice H. Carrick, as Trustee of the Ralph E. Carrick and Bernice H. Carrick Revocable Living Trust, dated May 2, 2004. Both parties have placed all of their property for sale through the Chapter 7 Bankruptcy for repayment of debts.
4. The Court entered an Order on November 2, 2010 authorizing the Trustee to employ Gary Carter and Robertson Realty to represent him in the sale of this property. A 6% commission has been requested.
5. Lexington Housing Authority made an offer to purchase the assets for the sum of \$13,500.00, and the Trustee counter-offered \$15,000.00, with the Trustee agreeing to pay one-half of the costs to demolish and remove the fire-destroyed house located upon the property. Lexington Housing Authority estimates the demolition and removal cost will be between \$4,000.00 and \$5,000.00. \$15,000.00 is the agreed upon selling price, subject to Court approval.

The property is being sold "as is, where is" with all faults and without any warranties whatsoever, expressed or implied, including, without limitation, a warranty of

merchantability or fitness for any particular or other purpose, and subject to taxes and special assessments, if any, which have been levied or assessed and/or unpaid or unsatisfied.

6. It appears that the private sale is fair and reasonable and in the best interest of the bankrupt estate and should be approved.

IT IS THEREFORE ORDERED:

1. That the private sale of 100 Fowler Avenue, Lexington, Davidson County, North Carolina to Lexington Housing Authority, and/or its designated assignee for the sum of \$15,000.00 is approved;

2. Trustee shall execute any documents necessary to close on the sale;

3. The realtor's commission in the amount of \$900.00 payable to Gary Carter of Robertson Realty is approved;

4. Trustee shall pay one-half of the costs required to demolish and remove the fire-destroyed house located upon the property, the 2010 Davidson County property taxes, as well as any prorated 2011 taxes required at closing; and

5. Trustee shall pay one-half of the net proceeds to Mrs. Bernice H. Carrick as Trustee of the Ralph E. Carrick and Bernice H. Carrick Revocable Living Trust, dated May 2, 2004.

CARRICK, RALPH EARL

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Parties to be served:

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